

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CEDRIC J. MARBURY,

Petitioner

-vs-

Case No. 3:05 cv 270

STUART HUDSON, Warden,

District Judge Thomas M. Rose

Respondent

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**ENTRY AND ORDER OVERRULING PETITIONER'S OBJECTIONS (DOC. #36) AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC.  
#33), GRANTING PETITIONER THE RIGHT TO PROCEED IN FORMA PAUPERIS BUT  
DENYING PETITIONER'S MOTION FOR A CERTIFICATE OF APPEALABILITY  
(Doc. #32)**

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This matter comes before the Court pursuant to the Petitioner's Objections (Doc. #36), filed March 2, 2009, to the Magistrate Judge's Report and Recommendations (Doc. #33) filed January 15, 2009. The Court has conducted a de novo review of all filings in this matter and finds the Objections (Doc. #36) not to be well-founded and OVERRULES same, ADOPTING the Magistrate Judge's Report and Recommendations (Doc. #33) allowing Petitioner to proceed in forma pauperis but also finding that no reasonable jurist would dispute the Court's previous ruling (Doc # 25 ) dismissing this petition and would DENY any requested certificate of appealability.

This matter is hereby ORDERED terminated upon the docket records of the United States District Court, Southern Division at Dayton, Ohio.

March 26, 2009

s/**THOMAS M. ROSE**

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JUDGE THOMAS M. ROSE